

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF GEORGIA**  
**SAVANNAH DIVISION**

UNITED STATES OF AMERICA	)	
	)	
v.	)	Case No. CR410-099
	)	
WAYNE MUNGIN	)	

**REPORT AND RECOMMENDATION**

On April 22, 2010, the Court ordered a forensic psychological examination of defendant Wayne Mungin in accordance with 18 U.S.C. § 4241(a) and (b) to assist the Court in determining whether he is presently suffering from a mental disease or defect rendering him mentally incompetent to extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. (Doc. 12.) Additionally, the Court directed the examiners to determine whether defendant was insane at the time of the charged offense. (*Id.*) Pursuant to the Court's order, Mungin was transported to the Federal Detention Center in Miami, Florida, where he underwent a comprehensive psychological evaluation. His evaluators

found that he is competent to stand trial but was insane at the time of the offense. (Doc. 15.)

The Court held a hearing on the matter, where defendant stipulated that he is presently competent to stand trial, but he indicated that he intends to enter a plea of not guilty by reason of insanity. Based upon the unchallenged psychological evidence, the Court finds that the defendant is not presently suffering from a mental disease or defect rendering him mentally incompetent to stand trial. 18 U.S.C. § 4241(d). It is therefore **RECOMMENDED** that defendant be found competent to stand trial pursuant to 18 U.S.C. § 4241.

**SO REPORTED AND RECOMMENDED** this 7th day of October, 2010.

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT of GEORGIA